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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/726,030	10/04/96	CISAR	J TELNP0120US

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PM21/0223

EXAMINER

LOUIS JACQUES, J

ART UNIT PAPER NUMBER

3614

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DATE MAILED: 02/23/98

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on October 4, 1996
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire - 3 - month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-28 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 14-17 is/are allowed.
- ☒ Claim(s) 1-13, 18-28 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

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1. This office action is responsive to application filed on October 4, 1996.

Drawings

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed. See attached PTO form 948.

Claim Rejections - 35 USC § 112

3. Claim 6 recites the limitation "the bar code reader" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 should depend on claim 5 instead of claim 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-13 and 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kull [5,681,015] in view of Jowers et al [4,126,779].

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Kull discloses a radio-based electro-pneumatic control communications for use in a local are network. As shown in figure 1, Kull teaches a thumb wheel switch (22) connected to a microprocessor driven control circuit (16). Kull, also teaches a display. In column 1, Kull discloses a thumb wheel switch for allowing manual entry of codes by a user, i.e. functions to be performed by the microprocessor. In column 4, Kull discloses a memory for storing the control program for the microprocessor, a thumb wheel through which a user can manually enter codes, a display for displaying the functions and the items of the system. Kull does not specifically teach the encoder, the bar code reader. Jowers et al, on the other hand, discloses a remittance processor by operating an encoder with a program stored in a memory. A central processor unit (programmable processor) generates a plurality if groups of data signals in accordance with the program. A card read is also provides which reads stored information. There is also disclosed a display, a switch control interface to which the thumb wheel is coupled. See figure 1. Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the control system of Kull by incorporating the features (card reader, encoder) from Jowers et al because such modification will improve the operational reliability of the system, provide a stand alone system, and increase accuracy.

Allowable Subject Matter

6. Claims 14-17 are allowed over the prior art of record.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- | | | | |
|----|-----------|-------------|-----------|
| a. | 5,507,457 | Kull | Apr. 1996 |
| b. | 5,374,015 | Bezos et al | Dec. 1994 |

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jacques H. Louis-Jacques** whose telephone number is **(703) 305-9757**.

Any inquiry of a general nature or relating to the status of this application should be directed to the **Group Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

(703) 305-7687, (for formal communications intended for entry, please indicate as so; and for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to **Crystal Park II, 2121 Crystal Drive, Arlington, VA., Second Floor (Receptionist)**.

/jlj
February 13, 1998

Jacques H. Louis-Jacques
JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER